

**HIGH COURT FOR THE STATE OF TELANGANA**

**THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN**

**AND**

**THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY**

**WRIT APPEAL No.716 of 2019**

**Date: 25.11.2019**

Between:

Chappidi Venkateshwar Rao & others

...Appellants

And

The Greater Hyderabad Municipal Corporation  
and others

...Respondents

Counsel for the appellants : Mr.N.Hari Prasad

Counsel for respondents 1 to 4: Mr.Sampath Prabhakar Reddy  
SC for GHMC

Counsel for respondents 5 & 6: Mr.Subramanyam Daraboina

**The Court made the following:**

**JUDGMENT:** (Per the Hon'ble Sri Justice A.Abhishek Reddy)

Aggrieved by the order, dated 26.06.2019, in dismissing Writ Petition No.11857 of 2019, by the learned Single Judge, the appellants have filed the present Writ Appeal.

2) The case of the appellants-petitioners is that they are the owners and possessors of the land in Survey No.29, admeasuring Ac.0-16 guntas equivalent to 1936 sq.yards located in Guttala Begumpet Village, Serilingampally Mandal, Ranga Reddy District; they are in peaceful possession and enjoyment of the same. According to the petitioners, the unofficial respondent No.5, by creating some false documents, had tried to interfere with the possession of the petitioners. Therefore they were constrained to approach a Civil Court by filing a civil suit for declaration of title, and consequential injunction. The said suit was numbered as O.S.No.619/2014 on the file of the VIII Additional District and Sessions Judge. The trial Court was pleased to issue interim orders of injunction in their favour. But the respondent No.5, by suppressing the fact that interim injunction was in subsisting, has approached the 1<sup>st</sup> respondent-Greater Hyderabad Municipal Corporation (GHMC) and obtained a building permission. On coming to know about the same, the petitioners have filed their objections. But the GHMC officials, under the influence of the unofficial respondents, are not disposing of the same. Therefore, questioning the inaction of respondent No.1, GHMC in not disposing of their objections, dated 12.05.2019, the petitioners have filed the writ petition. The learned Single Judge after going through the record and on verification of the injunction order

passed by the Civil Court, has found that the interim *status quo* order granted by the lower Court was only with regard to title of the subject property and thereby dismissed the writ petition.

3) The learned counsel for the appellants has vehemently contended that the learned Single Judge was not correct in dismissing the writ petition even though a civil case was pending before Civil Court between the parties and interim order of injunction was in operation. Therefore, the learned Single Judge ought to have allowed the writ petition.

4) Per contra, the learned counsel appearing for respondent No.5 has contended that the appellants are not in possession of the suit schedule property, and the Court below after finding that the appellants were not in possession of the same has granted interim order of *status quo* with regard to title of the property only. The same cannot be equated with that of a blanket injunction order with respect to the property. The GHMC will look into the *prima facie* title of the party applying for building permission, and if the building plans are in consonance with the Municipal Rules and Regulations, the permission will be given. The learned Single Judge, after considering all the aspects, has rightly dismissed the writ petition. Thus, the impugned order does not call for any interference in the present Writ Appeal.

5) After going through the order of the learned Single Judge, which is impugned in the Writ Appeal, and after perusing the material on record, it is apparent that the lower Court has granted the following Order on 28.05.2014 in I.A.No.319 of 2014 in O.S.No.115 of 2014: “ ....this court doth order Interim Status Quo

*should be maintained with regard to title of the suit property till 12.06.2014.”* It is stated that the said interim order was subsequently extended from time to time. This Court on a number of occasions has held that while granting permission for construction, neither the Municipality, or any other authority empowered to grant permission, can only verify as to whether the applicant seeking the permission has *prima facie* title or not, and it cannot go into the disputed questions of title. Even if any objections are filed by the petitioners before the authority, they can only verify if they are having any *prima facie* title and possession, and cannot decide the disputes questions of title. Per force, the parties have to be relegated to Civil Court for settling their disputes. But the Municipality cannot adjudicate the title between the parties.

6) In this particular case, the appellants having already approached the Civil Court by way of a suit for declaration of title, can always seek their remedies by filing an appropriate interlocutory application in the pending suit. Nothing prevents them from filing the same. Further, it is well accepted principles of law that the disputed questions of fact raised by the parties as to who is in possession of the subject property, or that there was any suppression of fact by respondent No.5 while obtaining building permission from the GHMC cannot be gone into by this Court under Article 226 of the Constitution of India. Thus, the learned Single Judge was legally justified in dismissing the writ petition.

7) In view of the above mentioned facts, we do not find any infirmity or illegality in the order passed by the learned Single

Judge. The Writ Petition is devoid of merits and the same is, accordingly, dismissed.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

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**RAGHVENDRA SINGH CHAUHAN, HCJ**

25<sup>th</sup> November, 2019  
smr

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**A.ABHISHEK REDDY, J**

